

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

KIPTON FLEMING,	)	
	)	
Petitioner	)	
	)	
vs.	)	No. CIV-05-690-C
	)	
DAVID MILLER, Warden,	)	
	)	
Respondent	)	

ORDER

This matter is before the Court on the Report and Recommendation entered by the United States Magistrate Judge on June 24, 2005. The court file reflects that no party has objected to the Report and Recommendation within the time limits prescribed; however, on July 1, 2005, petitioner paid the \$5.00 fee, rendering the Magistrate Judge's recommendation moot.

Accordingly, the Report and Recommendation of the Magistrate Judge is adopted in part. Petitioner's Motion for Leave to Proceed *in Forma Pauperis* is denied; but because the filing fee has now been paid, the case is once again committed to the Magistrate Judge under the initial Order of Referral.

IT IS SO ORDERED this 26th day of July, 2005.

  
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ROBIN J. CAUTHRON  
United States District Judge